

CCRB INVESTIGATIVE RECOMMENDATION

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|---|-------------------------------------|--|--|------------------------------------|---------------------------------|
| Investigator: Lauren Kerstein | Team: Squad #7 | CCRB Case #: 201500954 | <input type="checkbox"/> Force | <input type="checkbox"/> Discourt. | <input type="checkbox"/> U.S. |
| | | | <input checked="" type="checkbox"/> Abuse | <input type="checkbox"/> O.L. | <input type="checkbox"/> Injury |
| Incident Date(s) Mon, 02/09/2015 8:20 PM | Location of Incident: [REDACTED] | Precinct: 52 | 18 Mo. SOL 08/09/2016 | EO SOL 8/9/2016 | |
| Date/Time CV Reported Tue, 02/10/2015 10:24 AM | CV Reported At: CCRB | How CV Reported: Call Processing System | Date/Time Received at CCRB Tue, 02/10/2015 10:24 AM | | |

| Complainant/Victim | Type | Home Address |
|--------------------|------------|--------------|
| [REDACTED] | [REDACTED] | [REDACTED] |

| Subject Officer(s) | Shield | TaxID | Command |
|----------------------------|--------|--------|---------|
| 1. DT3 Christophe Goldrick | 836 | 945197 | GANG BX |
| 2. POF Christina Moncion | 943 | 954455 | PBBX |
| 3. SGT Robert King | 03180 | 924028 | 052 PCT |

| Witness Officer(s) | Shield No | Tax No | Cmd Name |
|----------------------------|-----------|--------|----------|
| 1. DT3 Shane Gugliucciello | 00431 | 921406 | GANG BX |
| 2. SGT Jose Calvente | 376 | 922188 | 052 PCT |
| 3. SGT John King | 05554 | 923447 | GANG BX |

| Officer(s) | Allegation | Investigator Recommendation |
|-----------------------------|--|-----------------------------|
| A . DT3 Christophe Goldrick | Abuse of Authority: Det. Christopher Goldrick searched the car in which § 87(2)(b) was an occupant at the intersection of North Street and Davidson Avenue in the Bronx. | A . § 87(2)(g) [REDACTED] |
| B . SGT Robert King | Abuse of Authority: Sgt. Robert King authorized a strip-search of § 87(2)(b) inside the 52nd Precinct stationhouse. | B . § 87(2)(g) [REDACTED] |
| C . POF Christina Moncion | Abuse of Authority: PO Christina Moncion improperly strip-searched § 87(2)(b) inside the 52nd Precinct stationhouse. | C . § 87(2)(g) [REDACTED] |
| D . DT3 Christophe Goldrick | Other: The CCRB recommends that the NYPD conduct further investigation as there is evidence to suggest that Det. Christopher Goldrick provided a false official statement. | D . § 87(2)(g) [REDACTED] |

Case Summary

On February 9, 2015, at approximately 8:20 p.m., Det. Christopher Goldrick and Det. Shane Gugliucciello stopped § 87(2)(b)'s vehicle at the corner of North Street and Davidson Avenue in the Bronx. The officers asked her to step out of her vehicle, and after she did so, Det. Goldrick entered her vehicle and removed a taser, which § 87(2)(b) alleged had been in her glove compartment (**Allegation A**). The officers handcuffed § 87(2)(b) and transported her to the 52nd Precinct stationhouse. At the precinct, Det. Goldrick told Sgt. Robert King that § 87(2)(b)'s prior arrest history indicated that she had previously secreted drugs in her underwear and that she had been moving around inside the police vehicle. Sgt. King authorized PO Christina Moncion to strip-search § 87(2)(b) was allegedly strip-searched in the bathroom of the 52nd Precinct stationhouse (**Allegations B and C**). A few hours later, § 87(2)(b) was released with a Desk Appearance Ticket for § 87(2)(b), § 87(2)(a) CPL 160.50.

Mediation, Civil and Criminal Histories

§ 87(2)(b) has not filed a Notice of Claim with regard to this incident (B.R. 05). § 87(2)(b) rejected mediation. According to the Office of Court Administration Records, § 87(2)(b)'s arrest stemming from this incident has been dismissed. During the past 10 years, § 87(2)(b) has been convicted of:

- § 87(2)(b)

Civilian and Officer CCRB Histories

- This is the first complaint filed by or involving § 87(2)(b) (B.R. 02).
- Det. Goldrick has been a member of the service for seven years. Det. Goldrick has been the subject of eight allegations stemming from five prior complaints, one of which was substantiated. § 87(2)(g)
- PO Moncion has been a member of the service for one year and this is the first CCRB allegation that has been filed against her.
- Sgt. King has been a member of the service for 15 years and has been the subject of 32 allegations stemming from 14 prior complaints, three of which have been substantiated. § 87(2)(g)

Findings and Recommendations

Allegations Not Pled

- **Stop:** § 87(2)(b) admitted to improperly wearing her seatbelt at the time the officers stopped her vehicle. Therefore, a vehicle stop allegation has not been pled.
- § 87(4-b)

Identification of Subject Officers

- The officer § 87(2)(b) referred to as “Det. Goldrick” in her narrative matches the description of Det. Gugliucciello, and since Det. Goldrick admitted to solely entering § 87(2)(b)

§ 87(2)(b)'s vehicle to recover her taser, a vehicle search allegation has been pled against Det. Goldrick.

- Sgt. King noted that he approved a strip-search of § 87(2)(b). Therefore, a strip-search allegation has been pled to Sgt. King.

Allegation A: Abuse of Authority – Det. Christopher Goldrick searched the car in which § 87(2)(b) was an occupant at the intersection of North Street and Davidson Avenue in the Bronx.

§ 87(2)(b) alleged that the taser Det. Goldrick recovered from her vehicle was in her glove compartment at the time of the vehicle stop (See § 87(2)(b)'s CCRB Statement).

Det. Goldrick and Det. Gugliucciello stated that they saw the subject of one of their investigations exit § 87(2)(b)'s vehicle. The officers decided to follow § 87(2)(b) after which they observed her fail to use her blinker approximately three times and fail to yield at a stop sign once. As Det. Gugliucciello approached the passenger side of the car, he witnessed § 87(2)(b) lean towards the passenger seat and back again. While Det. Goldrick engaged § 87(2)(b) on the driver's side, Det. Gugliucciello observed a taser in § 87(2)(b)'s purse, which was on the passenger seat. He signaled to Det. Goldrick, who then asked § 87(2)(b) to exit the vehicle. Det. Gugliucciello instructed Det. Goldrick to look in § 87(2)(b)'s purse and Det. Goldrick returned a few seconds later with the taser (See Det. Gugliucciello's CCRB Statement).

Det. Goldrick stated that, because of Det. Gugliucciello's signal, he knew that something was in the vehicle but did not know what or where it was. When he went to the passenger side, he saw the taser, and upon picking it up, confirmed that it was a taser. Det. Goldrick denied searching anywhere else in the vehicle (See Det. Goldrick's CCRB Statement).

§ 87(2)(b)'s Vipertek taser is four inches long and black (NYPD Doc. 03).

Under the automobile exception, an officer may search a vehicle when they have probable cause that the vehicle contains evidence or contraband and there is a connection between the arrest and the probable cause for the search. People v. Baez, 24 A.D. 3d 112 (2005). When an officer sees an object in plain view that is indicative of a crime, the officer may seize the object without a warrant if they are able to view and recover the object from a position where they are lawfully permitted to be, and if the object's incriminating nature is immediately apparent. People v. Noriega, 23 Misc. 3d 1124(a) (2009) (B.R. 03).

§ 87(2)(g)
[REDACTED]

Allegation B: Abuse of Authority – Sgt. Robert King authorized the strip-search of § 87(2)(b) inside the 52nd Precinct stationhouse.

§ 87(2)(b) alleged that while inside the 52nd Precinct stationhouse bathroom, PO Moncion felt underneath her bra, touched her breasts, pulled her waistband forward in the front and back and looked at her underwear. She then instructed her to pull her pants down. § 87(2)(b) refused and asked to speak with her lawyer before doing so, and PO Moncion told § 87(2)(b) that she knew that nothing was on her. PO Moncion then took her back to the front of the precinct without completing the search (See § 87(2)(b)'s CCRB Statement).

Sgt. King stated that Det. Goldrick requested that § 87(2)(b) be strip-searched because, in her prior arrests, § 87(2)(b) had secreted narcotics in her underwear, and, while being transported during this incident, § 87(2)(b) had been “moving around a lot” inside the vehicle, which made Det. Goldrick suspect § 87(2)(b) had secreted narcotics. Based on this information, Sgt. King authorized PO Moncion to strip-search § 87(2)(b). PO Moncion then went into the bathroom, and to Sgt. King’s knowledge, strip-searched § 87(2)(b) (See Sgt. Robert King’s CCRB Statement).

Next to § 87(2)(b)’s entry in the command log, it notes that Sgt. King authorized her strip-search (NYPD Doc. 01).

Det. Goldrick and Det. Gugliucciello stated that they were unable to conduct a frisk or search incident to an arrest for § 87(2)(b) at the scene because a female officer was unavailable. Upon arrival at the precinct, Det. Goldrick asked Sgt. King to have a female officer search § 87(2)(b). According to Det. Goldrick, he informed PO Moncion that they had arrested § 87(2)(b) for weapon possession in a “high narcotics area” and instructed her to make sure § 87(2)(b) did not have any additional contraband on her. PO Moncion then put on gloves and took § 87(2)(b) into the bathroom. Det. Goldrick denied § 87(2)(b) was strip-searched and, even after being presented with the command log entry that states that Sgt. King authorized a strip-search for § 87(2)(b), he denied that he requested a strip-search for § 87(2)(b). He further denied providing any information to Sgt. King about § 87(2)(b)’s arrest (See Det. Goldrick’s CCRB Statement). Det. Gugliucciello denied hearing Det. Goldrick request a strip-search for § 87(2)(b) (See Det. Gugliucciello’s CCRB Statement).

In addition, Det. Goldrick and Det. Gugliucciello both denied interacting with § 87(2)(b) previously, denied she had any suspicious bulges on her, and denied she made any suspicious movements inside their police vehicle.

PO Moncion stated that Det. Goldrick and Det. Gugliucciello asked her to search § 87(2)(b) for contraband before they placed her into the holding cells. Besides this, the officers did not provide PO Moncion with any information about § 87(2)(b)’s arrest. PO Moncion took § 87(2)(b) into the bathroom and instructed her to take off her jacket. She then took out the contents of § 87(2)(b)’s pockets. PO Moncion then moved her finger along the rim of § 87(2)(b)’s waistband. PO Moncion denied conducting a strip-search, checking underneath § 87(2)(b)’s bra, and pulling her pants forward to look down into her pants. Nothing was recovered from the search (See PO Moncion’s CCRB Statement).

A search is considered a strip-search when an individual’s undergarments, including their underwear or private areas, are exposed, or in which an individual’s clothing is removed, lifted up, or pulled down to expose undergarments or private areas. Patrol Guide, Section 208-05 [c][1]. A strip-search can only be conducted when there is a reasonable suspicion that a defendant is concealing evidence underneath their clothing. People v. Anderson, 2013 NY Slip Op 1439 (2013). According to the Patrol Guide, some factors that may be considered when determining the propriety of a strip-search are the circumstances of the arrest, nature of the crime committed, the civilian’s reputation or acts of violence, unaccounted hits on metal detectors, or information from previous searches of the same individual or others arrested with that individual. Patrol Guide, Section 208-05 [c][3]. Case law also provides that the individuals’ nervousness or unusual conduct is another factor to consider. People v. Anderson, 2013 NY Slip Op 1439 (2013) (B.R. 03).

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Det. Goldrick reportedly told Sgt. King that § 87(2)(b) s had secreted drugs in her underwear during her prior arrests. However, according to § 87(2)(b) s criminal history, none of her prior arrests involve narcotics which Sgt. King failed to verify before authorizing her strip-search (B.R. 01). The second justification Det. Goldrick reportedly provided to Sgt. King was that § 87(2)(b) had been making movements during the transport which made him think she had secreted drugs in her underwear. However, in their CCRB interviews, Det. Goldrick and Det. Gugliucciello explicitly denied that § 87(2)(b) made any movements. Regardless, the mere mention of § 87(2)(b) making ambiguous movements inside the vehicle, without more, would have been consistent with innocuous behavior. Aside from mentioning that § 87(2)(b) was arrested in a “high narcotics area,” Det. Goldrick provided no information about § 87(2)(b) potentially hiding narcotics or being directly linked to narcotics possession. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Moreover, § 87(2)(b) alleged that PO Moncion touched her breasts. According to Patrol Guide Section 208-05 [c][2], Sgt. King was required to see that the strip-search was conducted properly § 87(2)(g)

§ 87(2)(g)

Allegation C: PO Christina Moncion improperly strip-searched § 87(2)(b) inside the 52nd Precinct stationhouse.

§ 87(2)(b) alleged that PO Moncion placed gloves on her hands, placed her hands underneath her bra and felt her breasts.

PO Moncion denied that she placed her hands underneath § 87(2)(b) s bra.

During a strip-search, it should be not necessary to touch the subject’s body. Patrol Guide, Section 208-05 (B.R. 03).

§ 87(2)(g)

Allegation D: Other Misconduct – Det. Christopher Goldrick intentionally provided a false official statement to the CCRB.

During his CCRB statement, Det. Goldrick denied requesting authorization for § 87(2)(b) s strip-search or providing information to Sgt. King about § 87(2)(b) s arrest.

Intentionally making a false official statement is prohibited and will be subject to disciplinary action. Patrol Guide, Section 203-08. The statement made must be material and intentionally false. Dep’t of Correction v. Centeno, OATH Index No. 2031/04, p.4 (B.R. 04).

As discussed above, based on § 87(2)(b) s statement, Sgt. King’s statement and Sgt. King’s entry in the command log noting that she was strip-searched, the investigation determined that Det. Goldrick requested authorization for § 87(2)(b) s strip-search and provided information that led to § 87(2)(b) being strip-searched.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Pod: 7

Investigator: _____ Lauren Kerstein _____
Signature Print Date

Supervisor: _____
 Title/Signature Print Date

Reviewer: _____
 Title/Signature Print Date

Reviewer: _____
 Title/Signature Print Date